



City Council  
Atlanta, Georgia

**04-O-2306**

AN ORDINANCE  
BY: ZONING COMMITTEE

U-04-29  
Date Filed: 10-21-04

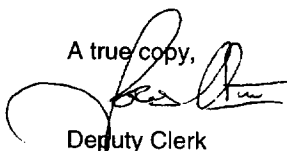
BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

SECTION 1. Under the provisions of Section 16-011.005(1)(l), of the Zoning Ordinance of the City of Atlanta, a Special Use Permit for **Outdoor Dining** is hereby approved. Said use is granted to KARL F. BITTER and is to be located at **1920 Howell Mill Road, N.W.** to wit:

ALL THAT TRACT or parcel of land lying and being in Land Lot 153 of the 17<sup>th</sup> District, Fulton County, Georgia, being more particularly described by the attached legal description.

SECTION 2. That this amendment is approved under the provisions of Section 16-25.003 of the Zoning Ordinance of the City of Atlanta, entitled, "Special Use Permits, Procedural Requirements", and the Director, Bureau of Buildings, shall issue a building permit only in compliance with the applicable provisions of this part. The applicable conditional site plan and any other conditions hereby imposed are enumerated by attachment. The Special Use Permit hereby approved does not authorize the violation of any zoning district regulations. District regulation variances can be approved only by application to the Board of Zoning Adjustment.

SECTION 3. That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed.

A true copy,  
  
Deputy Clerk

**ADOPTED by the Council**  
**APPROVED by the Mayor**

February 7, 2005  
February 14, 2005

U-04-29

01102146

LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 153 OF THE 17TH DISTRICT, FULTON COUNTY, CITY OF ATLANTA, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE N.W. CORNER OF HOWELL MILL ROAD AND BECK STREET; RUNNING THENCE N 11° 00' 00" E ALONG THE WESTERLY-MOST RIGHT OF WAY OF HOWELL MILL ROAD, A DISTANCE OF 144.04 FT. TO AN IRON PIN SET; THENCE N 85° 52' 00" W, A DISTANCE OF 185.01 FT. TO AN IRON PIN SET; THENCE N 09° 04' 30" E, A DISTANCE OF 33.00 FT. TO AN IRON PIN SET; THENCE N 85° 53' 08" W, A DISTANCE OF 52.81 FT. TO AN IRON PIN SET; THENCE S 09° 32' 52" W, A DISTANCE OF 146.92 FT. TO AN IRON PIN SET ON THE NORTHERLY-MOST RIGHT OF WAY OF BECK STREET; THENCE S 78° 35' 00" E ALONG THE NORTHERLY-MOST RIGHT OF WAY OF BECK STREET, A DISTANCE OF 233.50 FT. TO A CHISEL MARK IN CONCRETE, AND THE POINT OF BEGINNING. SAID ABOVE DESCRIBED TRACT CONTAINING 0.7359 ACRES.

DEED & PLAT REFERENCES

WARRANTY DEED, DEED BOOK 1703, PAGE 297  
WARRANTY DEED, DEED BOOK 4893, PAGES 357 & 359  
WARRANTY DEED, DEED BOOK 5545, PAGE 118  
WARRANTY DEED, DEED BOOK 1799, PAGE 99  
WARRANTY DEED, DEED BOOK 3066, PAGE 194  
WARRANTY DEED, DEED BOOK 5296, PAGE 198  
WARRANTY DEED, DEED BOOK 2910, PAGE 403  
WARRANTY DEED, DEED BOOK 5448, PAGE 507  
LEASE AGREEMENT, DEED BOOK 2854, PAGE 65  
MEMORANDUM OF LEASE, DEED BOOK 4898, PAGE 238  
WARRANTY DEED, DEED BOOK 7992, PAGES 403-406  
WARRANTY DEED, DEED BOOK 8142, PAGE 190 (RIGHT OF WAY)  
GA. POWER EASEMENT, DEED BOOK 8014, PAGES 261-266 (BLANKET)  
PLAT, PLAT BOOK 89, PAGE 100  
PLAT, PLAT BOOK 2, PAGES 194 & 195  
TOPO & BOUNDARY SURVEY FOR SHELL OIL COMPANY DATED FEBRUARY 25, 1966 BY C. R. ROBERTS.

DEED BOOK 7983, PAGE 30,  
INDEMNITY AGREEMENT

TOPO SURVEY FOR RED & BALDWIN DATED MARCH 1958 BY L. H. FITZPATRICK, C.E.  
BOUNDARY & TOPO SURVEY FOR HARDEE'S FOOD SYSTEMS, INC. BY COFER TECHNICAL SERVICES, INC. DATED JULY 11, 1981, LAST REVISED DECEMBER 9, 1982.

SURVEY NOTES:

1. TRACT SHOWN IS A PORTION OF HARDEE'S TOTAL TRACT. DIVIDING LINE IS PER AGREEMENT FOR SELL OFF OF WESTERLY PORTION OF TRACT, AS BEING COORDINATED WITH WAYNE KING AND BOB KERSTIENS OF HARDEE'S PMI.
2. 5 FT. RIGHT OF WAY DEDICATION TO CITY OF ATLANTA AT HOWELL MILL ROAD SINCE DATE OF ORIGINAL SURVEY.
3. ENCROACHMENTS INCLUDE LIGHT POLE & BASE & NORTHERLY PROPERTY LINE AND LIGHT BASE & SOUTHERLY PROPERTY LINE AND CONCRETE SIDEWALK ENCROACHING ACROSS SOUTHEASTERLY CORNER. MARTA BUS STOP WITH CONCRETE BLOCK WALLS AND BRICK WALK EXIST & S.E. CORNER. CONCRETE DRIVE 1.15' OVER S.W. CORNER
4. EASEMENTS OF RECORD AS SHOWN RECORDED ABOVE, INCLUDING GEORGIA POWER EASEMENT, PER DEED BOOK 8014, PAGE 261. SLOPE EASEMENT WITH GULF OIL ALLOWED PLACEMENT OF FILL MATERIAL & NORTHERLY PROPERTY LINE.
5. SIGN SIZE, HEIGHT & LOCATION PER VARIANCE GRANTED BY CITY OF ATLANTA.
6. WESTERLY PORTION OF SITE WAS ORIGINALLY ZONED R-5. CITY ALLOWED A PORTION OF HARDEE'S DEVELOPMENT INTO THAT ZONE.

BUILDING SETBACKS

FRONT STREET - 40' BACK OF RIGHT OF WAY  
LEFT SIDE STREET - 30' BACK OF RIGHT OF WAY  
RIGHT SIDE YARD - 0' TO PROPERTY LINE  
REAR YARD - 0' TO PROPERTY LINE & C-1 ZONE.

*Out door  
patio for section  
not allowed.  
Special use  
Permit required*

*Interior alt &  
misc site work  
No addition  
No sign  
under this  
permit*

CITY OF ATLANTA  
BUREAU OF BUILDINGS  
ZONING REVIEW  
APPROVED  
18/04  
Date  
AS REC'D  
Reviewed By  
MS. BACKFED.  
X6191

ASD

INTERIORS

50 HUI

Atlan

404.883.

Atlanta City

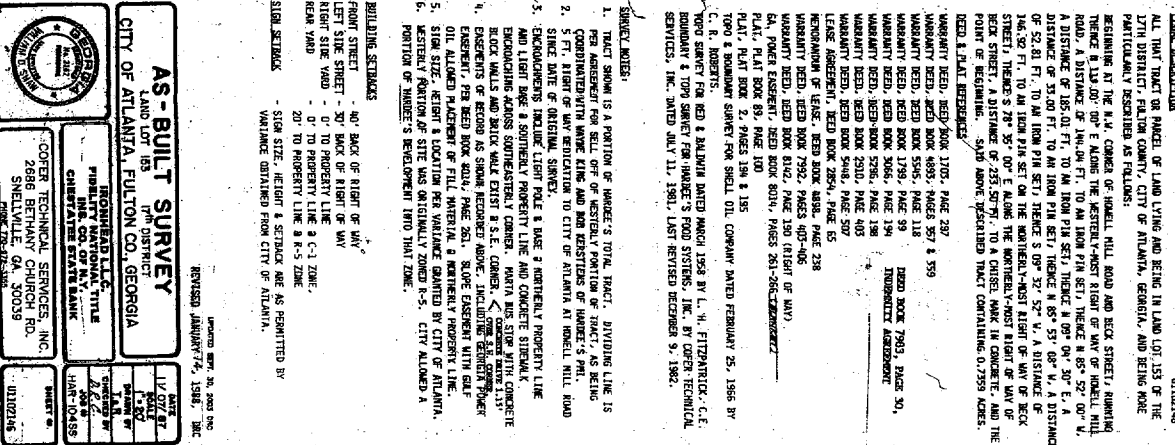
MEXI

1920

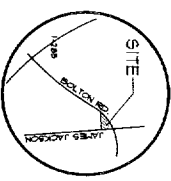
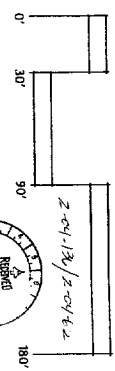
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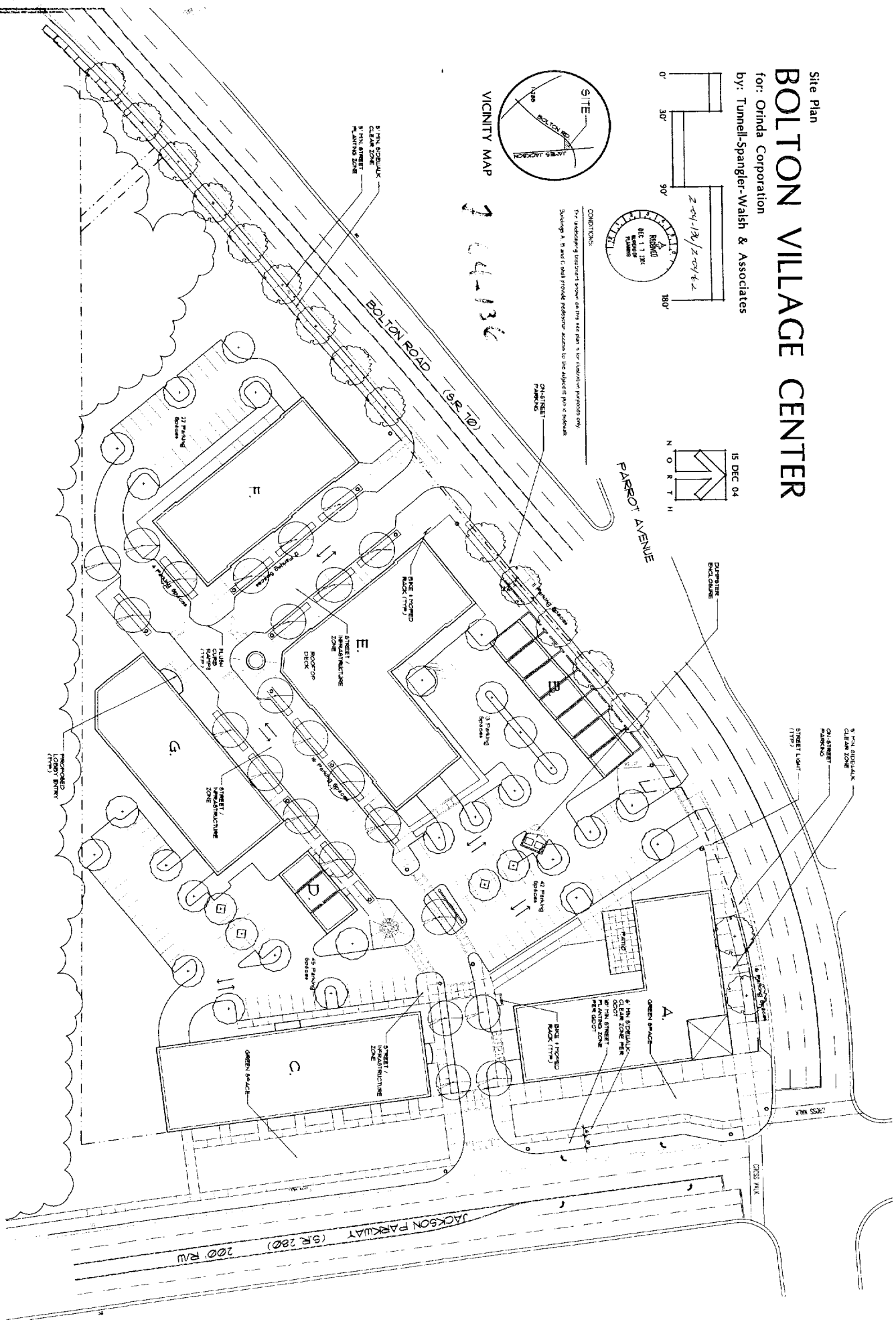
Site Plan  
for: Orinda Corporation  
**BOLTON VILLAGE CENTER**  
by: Tunell-Spangler-Walsh & Associates



VICINITY MAP

CONDITIONS:  
For landscaping, site plan must be submitted with final plan.  
Shading A, B, and C shall provide pedestrian access to the adjacent park & sidewalk.

DATE: 12/13/04  
BY: TSW



RCS# 6449  
2/07/05  
3:03 PM

Atlanta City Council

## Regular Session

MULTIPLE 04-O-2302 04-O-2304 04-O-2305 04-O-2306  
04-O-2307  
ADOPT

|              |    |
|--------------|----|
| YEAS:        | 13 |
| NAYS:        | 0  |
| ABSTENTIONS: | 0  |
| NOT VOTING:  | 3  |
| EXCUSED:     | 0  |
| ABSENT       | 0  |

|            |             |           |            |
|------------|-------------|-----------|------------|
| Y Smith    | Y Archibong | Y Moore   | Y Mitchell |
| Y Starnes  | Y Fauver    | Y Martin  | Y Norwood  |
| Y Young    | Y Shook     | Y Maddox  | NV Willis  |
| NV Winslow | Y Muller    | Y Sheperd | NV Borders |

MULTIPLE

RCS# 6401  
1/03/05  
4:21 PM

Atlanta City Council

Regular Session

MULTIPLE            04-O-2301 2302 2303 2304 2305 2306 2307  
                      2308 2310 FIRST READS TO ZRB & ZONING  
   REFER

YEAS:    10  
NAYS:    0  
ABSTENTIONS: 0  
NOT VOTING: 5  
EXCUSED: 1  
ABSENT    0

|           |              |           |            |
|-----------|--------------|-----------|------------|
| Y Smith   | NV Archibong | Y McCore  | E Mitchell |
| Y Starnes | Y Fauver     | NV Martin | NV Norwood |
| Y Young   | Y Shook      | Y Maddox  | Y Willis   |
| Y Winslow | NV Muller    | Y Sheperd | NV Borders |

MULTIPLE

04-0-2306

(Do Not Write Above This Line)

AN ORDINANCE U-04-29  
BY: ZONING COMMITTEE

AN ORDINANCE GRANTING A SPECIAL  
USE PERMIT FOR OUTDOOR DINING  
(SECTION 16-011.005(1)(L), PROPERTY  
LOCATED AT 1920 HOWELL MILL ROAD,  
N.W., FRONTING APPROXIMATELY 145  
FEET ON THE WEST SIDE OF HOWELL  
MILL ROAD, BEGINNING AT THE  
NORTHWEST CORNER OF BECK STREET  
AND HOWELL MILL ROAD. DEPTH:  
VARIES. AREA: 0.736 ACRES. LAND LOT  
153, 17<sup>TH</sup> DISTRICT, FULTON COUNTY,  
GEORGIA  
OWNER: CHARLES L. HILL, JR./IRONHEAD  
LLC  
APPLICANT: KARL F. BITTER  
NPU-C COUNCIL DISTRICT 8

ADOPTED BY

FEB 07 2005

- ☐ CONSENT REFER  
☒ REGULAR REPORT REFER **COUNCIL**  
☐ ADVERTISE & REFER  
☐ 1st ADOPT 2nd READ & REFER  
☐ PERSONAL PAPER REFER

Date Referred 1-3-2005

Referred To: ZRB & Zoning

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee Zoning  
Date 1-15-2005  
Chair  
Referred To

Committee

Date 1-15-2005

Chair

Action

Fav, Adv, Hold (see rev. side)

Other

Members

Howell Mill Road

C. T. Mays

Refer To

Refer To

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)

Other

Members

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)

Other

Members

Refer To

Refer To

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)

Other

Members

CERTIFIED

- FINAL COUNCIL ACTION  
☒ 2nd ☐ 1st & 2nd ☐ 3rd  
Readings  
☐ Consent ☐ V Vote ☒ RC Vote

FEB 07 2005

RECEIVED  
FEB 07 2005

MAYOR'S ACTION

Mayor's Action